IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

OP.No. 7993 of 2003(B)

PETITIONER:

ISMAIL, SON OF MOIDEEN MASTER,
PARACHERY MEETHAL, KOZHUKKALLURE,
MEPPAYYURE, KOZHIKODE DISTRICT.

BY ADV. SRI.K.VINOD CHANDRAN

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, KOZHIKODE.

2. THE TAHSILDAR (RR), OFFICE OF THE THASILDAR (RR), KOZHIKODE.

3. THE VILLAGE OFFICER, VILLAGE OFFICE, ELATHOOR, KOZHIKODE TALUK.

BY GOVERNMENT PLEADER SMT. M.K. PUSHPALATHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO. 13993/2003 AND IA NO. 9540/2003 IN OP NO. 7993/2003 B.

DISMISSED

13/02/2007. **SD/- K.BALAKRISHNAN NAIR, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:,

EXT.P1. COPY OF THE NOTICE DT. 22/1/2003 BEARING NO. DR/32/8990/SPL. II (RRC 40/88-89) ISSUED BY THE R2 TO THE PETITIONER.

EXT.P2. COPY OF THE OBJECTION DT. 28/2/2003 BY THE PETITIONER TO R1, WITH COPY TO THE R2.

[True Copy]

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K.BALAKRISHNAN NAIR, J.

O.P.No.7993 of 2003-B

Dated this the 13th day of February, 2007.

JUDGMENT

The petitioner has approached this court challenging Ext.P1 revenue recovery notice issued to him proposing to sell 10 cents of land in R.Sy.No.39/9 of Puthur desom in Elathur Village of Kozhikode Taluk. The said property originally belonged to one Smt.Jameela who was a defaulter to the State towards sales tax dues. She transferred it in favour of one Mr.Usman and his wife Smt.Saydia. They in turn transferred it to the petitioner. The transfers took place when Smt.Jameela was a defaulter and the attachment was pending. In view of the above position, the proceedings initiated as per Ext.P1 is perfectly legal and valid. The respondents can ignore the transfers. Accordingly, the Writ Petition is dismissed. But, the petitioner will be free to proceed against the transferors, for the loss, if any, suffered by him.

K.BALAKRISHNAN NAIR,
JUDGE.

MS